

1 RICHARD A. SALVATORE, ESQ.
State Bar No. 6809
2 HARDY LAW GROUP
96 & 98 Winter Street
3 Reno, NV 89503
(775) 786-5800
4 *Rich@Hardylawgroup.com*

5 CAL J. POTTER, III, ESQ.
State Bar No. 1988
6 POTTER LAW OFFICES
1125 Shadow Lane
7 Las Vegas, Nevada 89102
cpotter@potterlawoffices.com

8 *Attorneys for Plaintiffs*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 DENISE ABBEY, individually, and
as special administrator of the ESTATE
13 OF MICAH ABBEY,

14 Plaintiffs,

Case No. 3:13-cv-00347-LRH-VPC

15 vs.

16 CITY OF RENO; RENO POLICE
DEPARTMENT; KEITH PLEICH individually
and in his official capacity as a Police Officer for
17 CITY OF RENO AND RENO POLICE
DEPARTMENT; DANIEL BOND individually
and in his official Capacity as a Police Officer
for CITY OF RENO and RENO POLICE
18 DEPARTMENT; SCOTT RASMUSSEN
Individually and in his official Capacity as a
Police Officer for CITY OF RENO and RENO
20 POLICE DEPARMENT; BRAD DEMITROPOULOS;
21 BOARD OF REGENTS FOR THE
NEVADA SYSTEM OF HIGHER
22 EDUCATION ON BEHALF OF
THE UNIVERSITY OF NEVADA, RENO;
23 and DOES I through X, inclusive,

24 Defendants.

25
26 **PLAINTIFFS' INDIVIDUAL**
CASE MANAGEMENT
CONFERENCE REPORT

26 Plaintiffs, by and through their undersigned counsel hereby submit the following Individual
27 Case Management Report, pursuant to the Court's Minute Order In Chambers:

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1 Plaintiffs' counsel, attempted to jointly complete this Case Management Conference Report,
2 but has not been successful. As such, Plaintiffs file this individual report. All counsel are meeting
3 next week for the scheduled *FRCP 26(f)* meeting, and it is my understanding, that Defendants will be
4 in a position to complete a Joint Case Management Conference Report, once the parties have
5 completed the *FRCP 26(f)* meeting.

6 **A. Case Management Report:**

7 **1. Short Statement of the Case.**

8 This is a civil rights wrongful death/survival action arising from Defendants' alleged use of
9 excessive force and negligence, resulting in the death of Micah Abbey, deceased on December 25,
10 2011, in the City of Reno, Washoe County, Nevada.

11 This case arises out of the alleged wrongful death of thirty-three year old MICAH ABBEY at
12 the hands of several City of Reno and Reno Police Department Officers as well as a University of
13 Nevada, Reno Police Officer, during the night of December 25, 2011.

14 Plaintiff, Denise Abbey, is the surviving mother of MICAH ABBEY, and sues individually
15 and as the special administrator of the ESTATE OF MICAH ABBEY.

16 On December 25, 2011, Decedent, Micah Abbey, resided at 9801 Crystalline Drive, Reno,
17 Nevada, which was owned by Project Uplift and contracted with Northern Nevada Adult
18 Mental Health Services to house residents with mental and/or emotional problems to transition
19 them to living on their own.

20 On December 25, 2011, Micah Abbey had a confrontation with his home manager, which
21 resulted in law enforcement being called. Defendant Officers arrived and attempted to place Micah
22 Abbey in custody. Plaintiffs maintain Defendant Officers used excessive force. After a lengthy
23 struggle between Micah Abbey and Defendant Officers, Micah Abbey died.

24 Plaintiffs maintain claims under 42 U.S.C. § 1983; 42 U.S.C. § 1983 – MONELL CLAIMS;
25 as well as state court claims including Negligence, Assault and Battery, and Wrongful Death.
26 Plaintiff requested relief including compensatory damages, punitive damages, and injunctive relief.

27 Defendants generally deny the allegations, and assert numerous affirmative defenses.

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1 **2. Principle factual and Legal Disputes.**

2 Based upon the Answers by Defendants, any and all factual and legal disputes related to each
3 and every claim are disputed.

4 **3. Jurisdiction.**

5 This is a civil rights wrongful death/survival action arising from Defendants' alleged use of
6 excessive force and negligence, resulting in the death of Micah Abbey, deceased on December 25,
7 2011, in the City of Reno, Washoe County, Nevada. This Court has jurisdiction over this action
8 against the Defendants pursuant to 42 U.S.C. §1983 and 1988, and the Fourth and Fourteenth
9 Amendments to the United States Constitution, as well as the laws and Constitution of the State of
10 Nevada. Jurisdiction is founded upon 28 U.S.C. §1331 and 1343(a)(3) and (4), and the
11 aforementioned statutory and constitutional provisions. This Court has jurisdiction over the pendant
12 state law tort claims pursuant to 28 U.S.C. §1367.

13 Venue is properly vested in this Court because Plaintiffs and the Defendants are residents
14 of the District of Nevada, and the acts complained of occurred within the jurisdiction of the
15 District of Nevada (specifically, Washoe County).

16 **4. Parties Not Served.**

17 At this time, none.

18 **5. Whether additional parties expect to be added or whether pleadings need to be**
19 **amended.**

20 At this time, none.

21 **6. A list of contemplated motions.**

22 For Plaintiffs, at this time, none.

23 For Defendants: All Defendants reserve the right to file Motions to Dismiss and/or Motions
24 for Summary Judgment as deemed appropriate.

25 **7. Pending motions which may affect the parties' ability to comply with a case**
26 **management order.**

27 At this time, none.

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1 **8. Related Cases.**

2 None.

3 **9. Further discussion on discovery.**

4 The parties will submit a *Stipulated Discovery Plan* and *Plaintiff will submit a Special*
5 *Scheduling Review Requested*. At this time, it is not known whether Defendants will submit a
6 request for a Special Scheduling Review.

7 **10. Issues related to electronic discovery.**

8 At this time, none.

9 **11. Issues of privilege and work product.**

10 At this time, no issues of privilege or work product. Requests for discovery of personnel files
11 will raise issues of statutory confidentiality, which may require a court order to produce and/or a
12 protective order.

13 **12. The Court has not approved a discovery plan and scheduling order, and the**
14 **parties propose the following:**

15 a. Deadline for the completion of fact discovery: At this time, the parties cannot
16 agree on a proposed date for completion of fact discovery.

17 b. Expert disclosure: 90 days before trial. Rebuttal Expert: 30 days after initial
18 expert disclosure.

19 c. Deadline to complete expert depositions: 30 days before trial.

20 d. Deadline for good faith settlement discussions: 60 days before trial.

21 **13. Jury Request, and whether it is contested.**

22 At this time, a jury request has been filed. The request for jury is not contested by any party.

23 **14. Estimated length of Trial.**

24 Seven (7) to ten (10) days.

25 **15. Settlement.**

26 Plaintiff must perform additional discovery in advance of settlement discussions.

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1 **16. Any other matters.**

2 When all parties agree on the Joint Case Management Conference Report, Plaintiff
3 anticipates submitting a *Stipulated Discovery Plan and a Special Scheduling Review Request*.

4
5
6 /s/

7 RICHARD A. SALVATORE, ESQ.
8 HARDY LAW GROUP
9 96 & 98 Winter Street
10 Reno, Nevada 89503
11 (775) 786-5800
12 Attorney for Plaintiff Denise Abbey
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CERTIFICATE OF SERVICE

The undersigned hereby certifies, under penalty of perjury, that I am an employee in the office of Hardy Law Group, Richard A. Salvatore, Esq. and that pursuant to LCR 47-11, I electronically filed on this date, a true and correct copy of **INDIVIDUAL CASE MANAGEMENT CONFERENCE REPORT** with the Clerk of the Court, using the CM/ECF system, which will automatically e-serve the same on the attorney(s) of record set forth below:

Gary A. Cardinal, Esq.
University of Nevada, Reno
1664 N. Virginia Street/MS 0550
Reno, NV 89557

Jack D. Campbell, Esq.
Office of the Reno City Attorney
One E. First Street, 3rd Floor
PO Box 1900
Reno, NV 89505-1900

DATED this 8th day of November, 2013.


Erin Di Pietro, Legal Assistant to
Richard A. Salvatore, Esq.